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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/506,726      | 02/25/2005  | Axel Eggert          | 20496-455           | 4901             |

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| EXAMINER |
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NGUYEN, JIMMY T

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| ART UNIT | PAPER NUMBER |
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3725

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/506,726

**Applicant(s)**

EGGERT, AXEL

**Examiner**

Jimmy T. Nguyen

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/4/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

Receipt is acknowledged of an Information Disclosure Statement (I.D.S.), filed September 04, 2004, which I.D.S. has been placed of record in the file. An initialed, signed, and dated copy of the form PTO-1449 is attached to this Office action.

### ***Specification***

The abstract of the disclosure is objected to because it includes the phrase "The invention relates to". Applicant is reminded that the language and format for an abstract of the disclosure should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Furthermore, it is unclear whether the words "Fig. 3 is intended for the abstract" (see the last line) is part of the description of the invention in the abstract or it is just a remark made by the Applicant. If it is a part of the description of the invention in the abstract, then the abstract is objected to because it is referring to a drawing of the invention and it is not limited to a single paragraph. It is suggested that the words "fig. 3 is intended for the abstract" be deleted. If it is a remark made by the Applicant, it is suggested that these words be deleted and placed in a separate page in order to avoid confusion with the description with the abstract.

Correction is required.

**The specification is objected to under 37 CFR 1.71** as not clearly describing the subject matter. For example, the specification discloses that the rollers “are connected by way of an electrical shaft W” (page 5, last line to page 6, line 1) is not understood because it is unclear what is meant by an “electrical shaft” and how the shaft being connected to the motors of the drives of the rollers electrically in order to drive the rollers with the same torque on both sides. Applicant is required to submit an amendment which clarified the disclosure so that the Examiner may make a proper comparison of the invention with the prior art. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as original filed).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 2 and 3, see the discussion in the objection to the specification as set forth above with regard to the limitation “an electrical shaft”. The specification does not describe what is meant by the limitation “electrical shaft”. Therefore it is unclear how one would make the press including the subject matter of claims 2 and 3 because it is not known how the

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electrical shaft being connected to the motors of the drives of the rollers in order to drive the rollers with the same torque on both sides.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 10, it is unclear whether the limitation "one roller" is referring to one of the rollers as claimed in line 2 or to a different roller. Clarification is required. If it is referring to one of the rollers as claimed in line 2, it is suggested that the words "one roller" be changed to --- one of said rollers ---.

Regarding claim 2, line 4, it is unclear whether the limitation "each roller" is referring to each of the rollers as claimed in claim 1, line 2 or to a different roller. Clarification is required. If it is referring to each of the rollers as claimed in claim 1, line 2, it is suggested that the words "each roller" be changed to --- each of said rollers ---.

Regarding claim 3, line 4, it is unclear whether the limitation "all rollers" is referring to the rollers as claimed in claim 1, line 2 or to different rollers. Clarification is required. If it is referring to the rollers as claimed in claim 1, line 2, it is suggested that the words "all rollers" be changed to --- all of said rollers ---.

***Double Patenting***

Claim 3 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Mausser et al. (hereinafter "Mausser") (US 5,744,006) in view of Wuestner (US 4,905,910).**

Mausser discloses a press comprising two counterrotating rollers (2, 3) arranged in one plane (fig. 1), wherein the rollers are held in (i.e., in between) a roller housing (15, 16) by bearing blocks (4 and 5), with at least one (2) of the rollers being a loose roller which is flexibly supported by force generators (17), the roller housing (fig. 1) with a vertical design (fig. 1) comprises two separate parts (15 and 16) namely a bottom part (16) comprising one (3) of the rollers and a top part (15) with the loose roller (2), wherein said top part is held by a swivel bearing (18, also see claim 28, lines 7-17) to the bottom part and is lockable by an element (13'),

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wherein the top part can be swiveled open by way of the swivel bearing (col. 3, lines 19-20).

Mausser discloses the rollers are driven by a single motor (24). Mausser does not disclose the rollers at each of their two sides comprising their own electric motor drives. However, the patent to Wuestner teaches a roll press having two counterrotating rollers (11, 12), wherein the rollers at each of their two sides comprising their own electric motor drives (23-26) in order to improve the operation of the roll press (col. 1, lines 58-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the single drive motor of the press of Mausser with an electric motor drive at each of the two sides of each of the rollers, as taught by Wuestner, in order to improve the operation of the roll press. Mausser, as modified by Wuestner, discloses the invention substantially as claimed; therefore, the press of Mausser is capable of pressing powdery to granular materials.

Note that Mausser discloses that the force generator is extended and retracted to move the top roller (2) away and toward the bottom roller (3) to adjust the pressing force (col. 3, lines 22-24; and figure 1); therefore, the Examiner interprets the top roller (2) as a loose roller because it is movable. Furthermore, Mausser discloses the top and the bottom parts (15 and 16) are connected to each other by the swivel bearing (18) on the right side (fig. 1), and the top and the bottom parts are connected to each other by a releasable connecting member (13') on the left side (fig. 1); therefore, the top part (15) can be swiveled open by way of the swivel bearing when the connecting member (13') is released.

Please note that claims 2 and 3 have not been rejected over prior art. However, in view of the issues under 35 USC 112, first paragraph rejections and the objections to the specification as set forth above, the allowability of the claims can not be determined at this time.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 3,484,326 and US 5,399,242 are cited to show relevant roll press.


US 4,471,690 discloses a roll press comprises a plurality of rollers (11, 15, 16, 15', and 16'), wherein each roller having its own drive motor (fig. 3) and each of the motors is controlled by its own controllers (fig. 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Fri 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
August 04, 2006

  
JIMMY T. NGUYEN  
EXAMINER - AU3725